STATUS OF CLAIMS

Claims 1-5, 7-23 and 25-57 and 59 are pending.[1]

Claims 1-5, 7-23 and 25-57 stand rejected.

New Claims 60 and 61 have been added herein.

REMARKS

Claims 1-5, 7-13, 16, 18-23, 25-31, 34, 36, 40-52, 55 and 57 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (United States Patent No. 6,026,368) in view of Owens (United States Patent No. 6,092,055). Claims 14, 15, 17, 32, 33, 35, 54 and 56 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Owens, further in view of Landry (United States Patent No. 5,956,700). Claims 37-39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Spencer (United States Patent No. 5,197,002), further in view of Owens, further in view of Pare (United States Patent No. 6,154,879). Applicant traverses these rejections, and requests their reconsideration and removal for at least the following reasons.

35 U.S.C. 103(a) sets forth in part:

> [a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

To establish a *prima facie* case of obviousness, all of the recited claim limitations must be taught or suggested in the prior art. *See, MPEP 2143.03; see also, In re. Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).* Further, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to

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1 Applicant notes the 5/9/2006 Office action Summary fails to correctly summarize the status of the claims. Claims 6, 24 and 58 have been previously cancelled.

one of ordinary skill in the art, to combine reference teachings. *See, M.P.E.P. §706.02(j); see also, In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).*

More particularly, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. *In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984).* The Examiner can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988) (citing In re Lalu, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)).* Applicant may then traverse the Examiner's *prima facie* determination as improperly made out, or the applicant may present objective evidence tending to support a conclusion of nonobviousness. *In re Heldt, 58 C.C.P.A. 701, 433 F.2d 808, 811, 167 USPQ 676, 678 (CCPA 1970).*

Further, each prior art reference must be considered in its entirety, *i.e.*, as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).* And, a *prima facie* case of obviousness can be rebutted where the cited art teaches away from the claimed invention in any material respect. *See, In re Haruna, 249 F.3d 1327, 58USPQ2d 1517 (Fed. Cir. 2001).* A reference teaches away when a person of ordinary skill, upon reading the reference, would be led in a direction divergent from the path that was taken by the applicant. *In re Haruna, 249 F.3d 1327, 58USPQ2d 1517.*

1. The cited art fails to teach the recited reading and identifying steps of Claim 1.

For non-limiting purposes of explanation, the subject application teaches that during batch processing, of batch files, any account that is associated with the batch is typically locked for the entire duration of the batch processing. *See, e.g., specification, p. 1, l. 11 – p. 2, l. 10.* The subject application further explains that off-hour periods, during which accounts may be locked, are diminishing – thus reducing windows of opportunity for completing batch processes. *See, e.g., specification, p. 2, ll. 11-14.*

The present invention addresses this problem by providing an on-line like manner for processing batch files, *e.g.*, files containing multiple records that are conventionally batch processed. *See, e.g., specification, p.3, ll. 4-10.* More particularly, the subject application teaches, in part, that one or more files are read from a batch source that contains batch records (*e.g.*, a daily journal of cash, premiums and accounts to be billed) at block 1000 in Fig. 1. *See, specification, p. 4, l. 18 – p. 5, l. 2.* It also explains that after identifying each unique account using the read records, records are de-queued for processing that relate to a same account at block 1090 of Fig. 1. *See, e.g., p. 5, ll. 7-17.* Consistently, Claim 1 recites, in part,

> A method for processing account information contained in batch process files in an on-line like manner, said method comprising the steps of:
>
> reading at least one batch file containing a plurality of records, each of said plurality of records associated with one of a plurality of accounts; [and]
>
> identifying which of said plurality of records relate to same ones of said plurality of accounts by creating a work queue which includes index-like entries which identify each of the plurality of records.

Brown fails to teach or suggest reading a batch file containing a plurality of records, and identifying which of the read plurality of records relate to same ones of a plurality of accounts – as is recited by Claim 1.

The Office action argues Brown teaches reading a batch file in col. 8, at lines 45-58, and identifying which of those records relate to same ones of the accounts in col. 14, lines 24-58 and col. 24, lines 35-52. *See, 5/9/2006 Office action, p. 3, ll. 1-8.* However, a detailed reading of the cited portions of Brown reveals this assertion is incorrect.

Col. 8, lines 45-58 of Brown relate to importer/translator 500 of information warehouse manager 50. *See, col. 8, ll. 45-58, col. 7, ll. 5-7.* Importer/translator 500 of Brown reads session control records 522 to determine which data sources and mapping records to process 524. *See, col. 8, ll. 45-47.* For each record 522, importer/translator 500 loads the corresponding data sources into the targeting database 100. *See, col. 8, ll. 47-58.* Targeting database 100 includes data and rules used to generate priority queues, that are in-turn used to

provide a play list of targeted content segments to requesting applications. *See, e.g., col. 5, ll. 40-42, col. 3, l. 55 – col. 4, l. 13.*

Col. 14, lines 24-58 of Brown relate to queue generator 140. Generator 140 creates the priority queues. *See, col. 14, ll. 24-26.* However, generator 140 does not identify which of the targeting database records relate to same ones of any accounts – as is recited by Claim 1. Rather, generator 140 creates a list of target entities for each valid rule *(col. 14, ll. 41-42).* Thus, generator 140 merely identifies all target entities associated with each rule of a list; in contradistinction with Claim 1, which calls for identifying all records in the read data that are associated with a common account. Thus, generator 140 appears to operate in a manner opposite to that which is recited by Claim 1.

Further, Col. 24, lines 35-52 of Brown relate to the exposure billing module 300. *See, e.g., col. 24, l. 34.* Exposure billing module 300 does not operate on the targeting data imported/translated by importer/translator 500 – which is argued in the action to equate to the recited "read records". Rather, exposure billing module 300 operates on contract records, campaign records and exposure status to generate billing records. *See, col. 24, ll. 40.* For purposes of completeness, Applicant notes the exposure status is provided by queue manager 20, however, the exposure status is not imported by importer/translator 500 (*e.g.*, read from a batch file). *See, e.g., col. 20, ll. 5-11.* Exposure status server 230 writes and updates records for each content segment exposure. *See, e.g., col. 20, l. 50 – col. 22, l. 14.* Accordingly, exposure billing module 300 does not identify which of the read plurality of records relate to same ones of a plurality of accounts either.

Accordingly, Applicant respectfully requests reconsideration and removal of the rejection of Claim 1, as the cited prior art fails to teach, or suggest, each of the limitations of Claim 1. Applicant also requests reconsideration and removal of the rejections of Claims 2-5 and 7-18 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 1.

2. The cited art fails to teach the recited processing step of Claim 1.

Claim 1 also recites, in part, "[a] method for processing account information contained in batch process files in an on-line like manner, said method comprising ... processing each of

said records identified as relating to said selected one of said accounts prior to processing any of said records relating to any other of said plurality of accounts." Thus, Claim 1 calls for processing each of the read records associated with one of the accounts prior to processing any other of the read records, *e.g.*, processing the read records in an account-by-account manner. The Office action cited portions of Brown make clear the importer/translator 50 read rules are processed in a rule-by-rule manner (*e.g.*, each rule is processed in-turn, regardless of whether it may refer to a same target entity of another rule), and not in an on-line like, account-by-account manner as is recited by Claim 1.

The Office action argues exposure billing module 300 of Brown teaches such account-by-account, read record processing. However, as discussed above, exposure billing module 300 of Brown does not even process importer/translator 500 read rules, which the Office action equates to the recited read batch file records of Claim 1. Rather, exposure billing module 300 operates on contract records, campaign records and exposure status to generate billing records. *See, col. 24, ll. 40.* Again, Applicant notes the exposure status is provided by queue manager 20, however, the exposure status is not imported by importer/translator 500 (*e.g.*, read from a batch file), but is rather provided by exposure status server 230. *See, e.g., col. 20, ll. 5-11.*

Further, generator 140 identifies each valid rule, one-by-one, and creates a list of target entities for each valid rule, one-by-one. *See, e.g., col. 14, ll. 29-32 and 41-42.* Thus, each read rule (or record) is processed in-turn, and is not grouped by associated account for processing, as is recited by Claim 1.

Accordingly, Applicant again requests reconsideration and removal of the rejection of Claim 1, as the cited prior art fails to teach, or suggest, each of the limitations of Claim 1. Applicant also requests reconsideration and removal of the rejections of Claims 2-5 and 7-18 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 1.

3. Claims 19-23 and 24-40 Are Not Obvious In Light Of The Cited Prior Art

The cited art similarly fails to teach, or suggest, each of the limitations of independent system Claim 19. Claim 19 analogously recites: a processor in communication with said memory, operable to: identify which of said plurality of records relate to same ones of said

plurality of accounts; select one of said accounts in accordance with a control cycle and restrict access to said selected account; and process each of said records identified as relating to said selected account prior to processing any of said records relating to any other of said plurality of accounts; and remove said restricted access to said selected account after records identified as related to said selected account have been processed.

For reasons analogous to those set forth above with regard to Claim 1, the cited art fails to teach, or suggest, each of the limitations of Claim 19 as well. Applicant also requests reconsideration and removal of the rejections of Claims 20-23 and 24-40, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 19.

4. Claims 41-57 Are Not Obvious In Light Of The Cited Prior Art

The cited art of record similarly fails to teach, or suggest, each of the limitations of Claim 41. Claim 41 analogously recites, in part, reading at least one batch file containing a plurality of records, each of said plurality of records associated with one of a plurality of accounts; creating a work queue which includes index-like entries which identify each of the plurality of read records associated with each of the plurality of accounts, respectively; generating distinct account tables indicative of the plurality of accounts; identifying accounts found in the account tables; selecting one of said identified accounts in accordance with a control cycle and restricting access to said selected account, and processing each of said records identified as relating to said selected one of said accounts prior to processing any of said records relating to any other of said plurality of accounts.

Applicant respectfully requests reconsideration and removal of the rejection of Claim 41, as the cited prior art fails to teach, or suggest, each of the limitations thereof for at least the reasons set forth above. Applicant also requests reconsideration and removal of the rejections of Claims 42-57 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 41.

5. Claims 59-61 Are Not Obvious In Light Of The Cited Prior Art

Applicant notes no grounds of rejection have been made regarding Claim 59. Applicant also notes Claim 59 is drawn to subject matter previously indicated to be allowable by the

Examiner. Accordingly, Applicant submits at least Claim 59 is in condition for allowance, notification of which is earnestly solicited in view of the protracted examination of the subject application.[2]

Turning now to newly added independent Claim 60, it additionally recites:

> A method for processing account information contained in batch process files in an on-line like manner, said method comprising the steps of:
>
> reading at least one batch file containing a plurality of records, each of said plurality of records associated with one of a plurality of accounts, and at least two of said records being associated with a common one of the accounts;
>
> identifying which of said plurality of records relate to same ones of said plurality of accounts by creating a work queue which includes index-like entries which identify each of the plurality of records;
>
> sequentially selecting each of said accounts in accordance with a control cycle and restricting access to each of said accounts while selected,
>
> processing each of said records identified as relating to said then selected one of said accounts prior to processing any of said records relating to any other of said plurality of accounts; and
>
> removing said restricted access to each said then selected account after all of said records identified as related to said then selected account are processed. (Emphasis added).

Applicant respectfully requests allowance of Claim 60, as the cited prior art fails to teach, or suggest, each of the limitations thereof for at least the reasons set forth above.

Applicant further notes the Office action relies upon Owens because a single billing record can be all of the records. *See, 5/9/2006 Office action, p. 4, fn. 1.* However, new Claim 60 additionally recites that at least two of the read records are associated with a common account, and each of the read records identified as relating to a then selected one of the accounts prior to processing any of said records relating to any other of said plurality of accounts. Thus, new Claim 60 calls for processing at least two of the read records that relate to a

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2 Applicant requested a telephonic interview with the Examiner and the Examiner's supervisor in its previous response for purposes of avoiding delays resulting from piecemeal examination. Should at least Claim 59 not be allowed in the next Office action, Applicant again requests such an interview be granted.

common account prior to processing others of the read records. Owens fails to satisfy the admitted shortcomings of Brown with regard to at least Claim 60. Newly added Claim 61 depends from newly added Claim 60.

CONCLUSION

Applicant believes he has addressed all outstanding grounds raised in the outstanding Office action, and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

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